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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

KAREN I DAVIS,

Plaintiff,

vs.

KILOLO KAJIKAZI,
Acting Commissioner of Social Security,

Defendant

Case No.: 1:20-cv-01327-SKO

**STIPULATION AND ORDER FOR THE
AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS
TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the EAJA in the amount of TWO-THOUSAND ONE-HUNDRED TWENTY-FIVE dollars AND FORTHY-EIGHT cents (\$2,125.48). This amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412.

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the

1 assignment will depend on whether the fees and expenses are subject to any offset allowed under
2 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
3 and expenses is entered, the government will determine whether they are subject to any offset.
4 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
5 determines that Plaintiff does not owe a federal debt, then the government shall cause the
6 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the
7 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
8

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
10 attorney fees and expenses, and does not constitute an admission of liability on the part of
11 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
12 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
13 EAJA attorney fees and expenses in connection with this action.
14

15 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
16 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.
17

18
19 Respectfully submitted,

20 Dated: September 14, 2021

/s/ Shellie Lott

SHELLIE LOTT

Attorney for Plaintiff

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23 PHILLIP A. TALBERT

Acting United States Attorney

24 DEBORAH L. STACHEL

Regional Chief Counsel, Region IX

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26 Date: September 14, 2021

/s/ Christopher J. Bella

(As authorized via email on 9/13/21)

27 CHRISTOPHER J. BELLA

28 Special Assistant United States Attorney

ORDER

Based upon the parties' above Stipulation and Order for the Award of Attorney's Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412(d) (the "Stipulation") (Doc. 21),

IT IS ORDERED that fees and expenses in the amount of TWO THOUSAND ONE HUNDRED TWENTY-FIVE dollars AND FORTY-EIGHT cents (\$2,125.48) as authorized by the Equal Access to Justice Act, 28 U.S.C. § 2412(d), be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: September 14, 2021 /s/ Sheila K.

Oberto

UNITED STATES MAGISTRATE JUDGE